

The opinion in support of the decision being
entered today is not binding precedent of the Board.

Paper No. 18

Filed by: Interference Trial Section Motions Panel
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

FRANCISCO JAO, HOA T. HUYNH,
PATRICK S. L. WONG,
Junior Party,
(Patent 5,166,145)
v.

MICHAEL B. TYERS, TERESA E. CHALLONER,
Senior Party
(Application 08/156,727).

Patent Interference No. 104,732

Before: TORCZON, SPIEGEL and TIERNEY, Administrative Patent Judges.
TIERNEY, Administrative Patent Judge.

JUDGMENT
(Pursuant to 37 CFR § 1.662(a))

A telephone conference call was held on September 26, 2001, at approximately 2:00 p.m.,
involving, among others:

1. Michael P. Tierney, Administrative Patent Judge.
2. Doreen Y. Trujillo, counsel for Junior Party Jao.
3. Richard E. Fichter, counsel for Senior Party Tyers.

As set forth in the Communications of August 27, 2001 (Paper No. 7) and September 14, 2001 (Paper No. 13), Junior Party Jao was to file, but not serve, a preliminary statement with the Board by September 26, 2001. Jao was informed that failure to file a preliminary statement with the Board by the September deadline would result in an entry of adverse judgment against Jao on the issue of priority.

During the conference call of September 26, 2001, Junior Party Jao stated that no preliminary statement would be filed in this interference. Accordingly, we enter adverse judgment against Jao.

ORDERED that judgment on priority as to Count 1 (Notice Declaring Interference, No. 1, page 5), the sole count in the interference, is awarded against Junior Party Jao.

FURTHER ORDERED that a copy of this final decision shall be placed and given a number in the file of Jao, U.S. Patent No. 5,166,145 and Tyers, U.S. Application 08/156,727.

FURTHER ORDERED that the parties attention is directed to settlement agreement requirements of 35 U.S.C. § 135(c) and 37 CFR § 1.661.

MICHAEL P. TIERNEY
Administrative Patent Judge

BOARD OF PATENT
APPEALS
AND
INTERFERENCES

cc (via Facsimile):

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